

JACKSON CITY COUNCIL
Regular Session
March 22, 2010
7:00 p.m.

Call to Order.....	President Speakman
Pledge of Allegiance.....	Mr. Brown
Opening Prayer.....	Mr. Powell
Roll Call	
Approval of Minutes	

March 8, 2010

VISITORS

COMMITTEE REPORTS:

- Utility - Brown, Smith, Adams
- Budget & Finance – Adams, Powell, Elliott
- Police, Fire & Traffic - Smith, Colby, Elliott
- Service – Elliott, Colby, Fain
- Railroad – Fain, Smith, Powell
- Building/Recreation – Colby, Fain, Brown
- City Auditor
- Law Director
- Mayor
- Service/Safety Director

ORDINANCES AND RESOLUTIONS

CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

ADJOURN

JACKSON CITY COUNCIL

Minutes from

March 8, 2010

7:00 p.m.

Regular Session

Jackson City Council met in regular session on Monday, March 8, 2010 at 7:00 p.m. at the Jackson City Council chambers. President Ron Speakman called the meeting to order. The Pledge of Allegiance was given, led by Mr. Adams. The Prayer was given, led by Mr. Powell.

A roll call was taken as follows:

- Mr. Adams – present
- Mr. Brown – present
- Mr. Elliott – present
- Mr. Smith – present
- Mr. Fain – present
- Mr. Powell - present
- Mrs. Colby -- absent

Mr. Adams made a motion to approve the minutes of February 22, 2010 regular session seconded by Mr. Smith. In a voice vote, all Council agreed.

Mr. Smith made a motion to excuse Mrs. Colby, seconded by Mr. Fain. In a voice vote, all members agreed.

VISITORS

COMMITTEE REPORTS

UTILITY – No Report

Mr. Brown stated he would be scheduling a meeting before the end of the month.

BUDGET & FINANCE – No Report

Mr. Adams stated the committee met prior to tonight's meeting. Mr. Sheward presented a packet with an explanation. This budget by object, asking for a first reading, there is also budget by line item available. Mr. Adams scheduled a meeting for March 16th at 6:30 in Council Chambers.

POLICE, FIRE & TRAFFIC

Mr. Smith stated his committee will meet March 15th at 7:00 to discuss golf carts, accepting Austin Way, Cherry Street and Elm Street and other traffic issues, the meeting will be held in the conference room in the Memorial Building.

SERVICE – No Report

Mr. Elliott stated there will be a public meeting on March 22nd prior to regular session to discuss the mitigation project.

RAILROAD – No Report

Mr. Fain stated Mr. Detty is working on the Lawrence County issue.

BUILDING/RECREATION – No report

CITY AUDITOR – No Report

LAW DIRECTOR

Mr. Detty requested an executive session to discuss pending litigation, City v US Rail and threatened or imminent litigation concerning the railroad.

Mr. Smith made a motion to move to executive session to discuss pending litigation, City v US Rail and threatened or imminent litigation concerning the railroad, seconded by Mr. Fain. In a roll call vote, all members agreed. Council moved to executive session at 7:09 p.m.

Mr. Smith made a motion to return to regular session, seconded by Mr. Brown. In a voice vote, all members agreed. Council returned to regular session at 8:20 p.m.

Mr. Smith made a motion to reject the proposed settlement with US Rail, seconded by Mr. Fain. In a voice vote, all members agreed. Mr. Smith made a motion to instruct the Administration to collect pricing for a company to inspect the 22 +/- miles of welded rail and report at the next regular council meeting, seconded by Mr. Brown. In a voice vote, all members agreed.

MAYOR

Mayor Heath stated that the open meeting at 6:00 on March 22nd will be attended by Mr. Berridge, to answer questions. He insured citizens that the city is doing nothing to negatively impact the area, enhance, better use of the property. Mr. Fain asked if a representative of the Army Corp of Engineers would be attending. Mayor Heath stated he would ask. He went on to discuss youth baseball/softball signups, they are scheduled for next Monday, Wednesday and Friday and the following Wednesday and Saturday, there is a \$20 fee. The recreation department receives the fees, monies from the United Fund and interest from tree harvest funds. Mr. Smith suggested putting this on television.

SAFETY/SERVICE DIRECTOR

Mr. Sheward stated that Ordinance 11-10 is presented for the Lick substation, accepting the lowest responsible bid. There was one lower, but there was a legal issue. Ordinance 12-10, budget ordinance, everyone should have a copy. Ordinance 13-10 this is an urban paving project, SR139 to South Street, estimated match is \$20,000-\$22,000. Mr. Powell asked about possible changes to the budget. Mr. Speakman stated this ordinance was requested a first reading. Mr. Powell asked how Ord. 11-10 was being funded. Mr. Sheward stated the electric fund; this is ongoing, purchased the building last year, total rehab, one of the most expensive projects.

ORINANCES AND RESOLUTIONS

ORDINANCE NO. 11-10

AN ORDINANCE FINDING THE LOWEST RESPONSIBLE AND RESPONSIVE BID, AWARDING THE LICK SUBSTATION EXPANSION II CONSTRUCTION PROJECT TO VAUGHN INDUSTRIES LLC, 1201 EAST FINDLAY STREET, CAREY, OHIO 43316 AND DECLARING AN EMERGENCY

First Reading

Mr. Smith made a motion to adopt the ordinance, seconded by Mr. Brown. In a voice vote, all members agreed.

Mr. Smith made a motion to suspend the rules, seconded by Mr. Elliott. In a roll call vote, Council voted as follows:

Mr. Adams – yes
Mr. Brown – yes
Mr. Elliott – yes
Mr. Smith – yes
Mr. Fain – yes
Mr. Powell – yes

In a roll call to adopt, Council voted as follows:

Mr. Adams – yes
Mr. Brown – yes
Mr. Elliott – yes
Mr. Smith – yes

Mr. Fain – yes
Mr. Powell – yes

ORDINANCE NO. 11-10 DULY ADOPTED AS AMENDED

ORDINANCE NO. 12-10

PRESIDENT SPEAKMAN STATED THIS NUMBER WOULD BE HELD FOR THE 2010 BUDGET ORDINANCE.

ORDINANCE NO. 13-10

WITHIN THE CORPORATION LIMITS OF THE CITY OF JACKSON, IT IS PROPOSED TO RESURFACE 0.85 MILE IF SR139, BEGINNING AT THE SOUTH CORPORATION LIMIT NORTH SOUTH ROAD (MR99).

First Reading

Mr. Smith made a motion to adopt the ordinance, seconded by Mr. Brown. In a voice vote, all Council agreed.

Mr. Adams made a motion to suspend the rules, seconded by Mr. Brown. In a roll call vote, Council voted as follows:

Mr. Adams – yes
Mr. Brown – yes
Mr. Elliott – yes
Mr. Smith – yes
Mr. Fain – yes
Mr. Powell – yes

In a roll call vote to adopt, Council voted as follows:

Mr. Adams – yes
Mr. Brown – yes
Mr. Elliott – yes
Mr. Smith – yes
Mr. Fain – yes
Mr. Powell – yes

ORDINANCE NO. 13-10

RESOLUTION 5-10

A RESOLUTION AUTHORIZING A THEN AND NOW CERTIFICATE, AND DECLARING AN EMERGENCY.

First Reading

Mr. Brown made a motion to adopt the resolution, seconded by Mr. Adams. In a voice vote, all Council agreed.

Mr. Fain asked what this is. Mr. Humphreys stated he did not sign, for the reason a purchase order was in place at the time of sampling, was not turned in by Mr. Gambino. Mr. Sheward stated he understood that the invoice was never received by the city, until the purchase order was closed. Further stating this is an open purchase order, with x amount of dollars to do samples. Mr. Humphreys stated after Mr. Wilson left, they found an entire drawer full of purchase orders, invoices with no one having any knowledge. Mr. Smith asked are we sure not double billed. Mr. Sheward stated he is sure. He also stated there are not a lot of test agencies, we really need this passed.

Mr. Smith made a motion to suspend the rules, seconded by Mr. Adams. In a roll call vote, Council voted as follows:

Mr. Adams – yes
Mr. Brown – yes
Mr. Elliott – yes
Mr. Smith – yes
Mr. Fain – yes
Mr. Powell – yes

In a roll call vote to adopt. Council voted as follows:

Mr. Adams – yes
Mr. Brown – yes
Mr. Elliott – yes
Mr. Smith – yes
Mr. Fain – yes
Mr. Powell – yes

RESOLUTION NO. 5-10

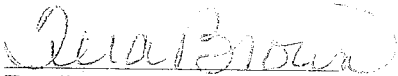
CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

ADJOURN

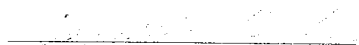
Mr. Smith made a motion to adjourn, seconded by Mr. Elliott. In a voice vote, all Council agreed. Council adjourned at 8:40 p.m.



Tera Brown

Clerk

Date 3-22-10



Ron Speakman

Council President

Date 3/22/10

JOHN L. "JACK" DETTY

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Jackson City Council

March 8, 2010

REPORT OF THE LAW DIRECTOR

The following is the Report of the Law Director:

• **ORDINANCES AND RESOLUTIONS - NOTES**

- Ordinance No. 11-10 is a bid award for the Lick Substation Expansion II Project. Service Director Sheward should have more information on this matter.
- Ordinance 12-10 is to adopt the 2010 Budget. First reading only is anticipated.
- Ordinance 13-10 is an ODOT paving Project for State Route 139. The Service Director should be able to provide any additional explanation.
- Resolution 5-10 is a Then and Now Certificate. The Auditor would have additional information on this matter.

• **RAILROAD – LAWRENCE COUNTY RE TAXES**

- I have been back to Lawrence County to investigate this issue further.
- Later this week I will submit a report to Mr. Fain, the chairman of the Railroad Committee. He can then take whatever action he believes is appropriate.

◦ EXECUTIVE SESSION

- I would request an executive session for the following matters:
 - To discuss the pending litigation captioned City of Jackson, Ohio v U.S. Rail, presently pending in the Jackson County Common Pleas Court.
 - To discuss threatened or imminent litigation concerning the City's railroad.

*I have included your card in the
agenda. If you have any questions or would like to
discuss any issues with me please feel free to stop
by my office, or call me at 727-1234*

John L. "Jack" Detty